

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ATTICUS RESEARCH CORPORATION

Plaintiff,

vs.

VMWARE, INC., SPRINGSOURCE INC.,  
and OSS MANAGEMENT HOLDINGS, INC.  
f/k/a HYPERIC, INC.

Defendant.

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Case No. 4:11-cv-1741

**JURY TRIAL DEMANDED**

**JOINT MOTION TO DISMISS**

Plaintiff Atticus Research Corporation (“Plaintiff”) and defendants VMware, Inc., SpringSource Inc. and OSS Management Holdings, Inc. f/k/a Hyperic, Inc. (collectively “Defendants”) jointly file this motion pursuant to FED. R. CIV. P. 41 to dismiss without prejudice all claims and counterclaims in this action as follows:

1. All claims brought by Plaintiff against Defendants shall be dismissed without prejudice.
2. All counterclaims brought by Defendants against Plaintiff shall be dismissed without prejudice.
3. Each party shall bear its own costs, expenses and attorneys’ fees in connection with this action.

A proposed Order of Dismissal is submitted herewith.

Respectfully submitted,

By: /s/ C. Dale Quisenberry

Dated: January 17, 2014

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ATTORNEYS FOR PLAINTIFF

By: /s/ David J. Healey

Dated: January 17, 2014

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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3) are being served this 17th day of January, 2014 via electronic mail with a copy of this document. Any other counsel of record will be served by first class mail on this same date.

/s/ C. Dale Quisenberry  
C. Dale Quisenberry